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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,328	07/08/2003	Shigeo Toji	Q76378	7335
23373	7590	12/20/2005		EXAMINER
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PERKEY, WILLIAM B	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

Office Action Summary	Application No.	Applicant(s)	
	10/614,328	TOJI, SHIGEO	
	Examiner	Art Unit	
	William B. Perkey	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) 4-6,8,10-13,29 and 30 is/are withdrawn from consideration.
- 5) Claim(s) 15 and 17-28 is/are allowed.
- 6) Claim(s) 1,7,9 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Kimura et al. (U.S. Patent No. 4,599,653).

Satoh shows the claimed invention, as explained above, except for a manual focus device and a display panel displaying first and second images corresponding to the sampled images representing the focus condition. Instead, Satoh discloses only an auto focus system with no manual focus mode or focus condition display. Kimura et al. discloses a television camera having manual focus with a focus condition display device displaying the sampled first and second images of a split image. The focus condition detection circuitry is of the phase difference type, just like Satoh. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to provide the Satoh camera with a manual focus mode with focus condition display using the first and second sampled images in order to obtain the desirable feature of obtaining user control of the focus lens.

Response to Arguments

3. Applicant's arguments filed November 28, 2005 have been fully considered but they are not persuasive. Applicant's assertion that the examiner has changed the Satoh from an auto-focus apparatus to a manual focus apparatus is a mischaracterization of the rejection of record.

The rejection of record clearly state that Satoh is modified by providing the camera of Satoh with manual focus apparatus. There is nothing in the rejection of record that does away with the automatic focus apparatus disclosed by Satoh. Applicant, also, asserts that there is no motivation for a camera with both auto focus and manual focus in either Sato or Kimura. The examiner does not agree. Satoh teaches that auto focus apparatus in a camera is desirable and Kimura teaches that manual focus apparatus in a camera is desirable. The prior art considered as a whole (namely considering both Satoh and Kimura as a whole), fairly suggests to the ordinary workman in the art the desirability of a camera with auto focus apparatus and manual focus apparatus. Furthermore, a big company like Fuji is well aware that cameras with both auto and manual focus modes was common knowledge with the field of photography at the time of applicant's invention. As a matter of fact, the entire subclass 137 of class 396 is devoted strictly to cameras that have selection of auto and manual modes of focus operation.

Allowable Subject Matter

4. Claims 2, 3 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 15, and 17-28 are allowed.

Withdrawn Claims

6. A mistake was made on the cover letter form PTOL-326 in the Office action that was mailed August 26, 2005 indicating that claim 7 was withdrawn from consideration, since claim 7 was treated on the merits in the 35 USC 103 rejection based on Satoh and Kimura in that Office action.

7. Withdrawn claims 4-6, 8, and 10-13 are not rejoined at this time, since they do not depend from a claim that has been indicated as containing patentable subject matter. However, if applicant intends to present any of the withdrawn claims 4-6, 8 and 10-13 as dependent from claims 2 or 3, he should do so in this application. Presenting such claims in a continuation or division instead, would result in possible statutory double patenting rejections.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey, whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wpb